## UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF NORTH CAROLINA

In Re: Jesse Charles Lay		)	<b>Motion and Notice</b>
		)	Chapter 13
		)	
		)	No: B-10-80953 C-13D
	Debtor(s)	)	

The undersigned Standing Trustee respectfully moves the Court for an order as follows:

The bar date for filing claims in this case was October 7, 2010. On October 25, 2010, the Standing Trustee received the proof of claim of Bank of America in the amount of \$283,653.46. Bank of America was a listed and scheduled creditor at the time of the filing of this case.

The Standing Trustee respectfully recommends to the Court that an Order be entered disallowing the claim of Bank of America as not timely filed.

Date: October 26, 2010 s/Richard M. Hutson, II

Itp Standing Trustee

## **NOTICE**

TAKE NOTICE THAT any interested party who has an objection to the Motion MUST FILE A WRITTEN OBJECTION on or before <u>December 6, 2010</u>, with the parties named on the attached Parties to be Served list and with the U.S. Bankruptcy Court at the following address:

101 S. Edgeworth Street Greensboro, NC 27401

If no objections are filed within the time period, the Court will consider this motion without a hearing. If objections are timely filed, a hearing on the motion will be held on <u>December 20, 2010</u>, at 11:00 a.m., at the following location:

Courtroom, Venable Center Dibrell Building, Suite 280 302 East Pettigrew Street Durham, NC 27701

Date: October 26, 2010 OFFICE OF THE CLERK U.S. Bankruptcy Court

## PARTIES TO BE SERVED PAGE 1 OF 1 B-10-80953 C-13D

Jesse Charles Lay 500 Guy Walker Way Durham, NC 27703

John T. Orcutt, Esq. 6616-203 Six Forks Road Raleigh, NC 27615

Richard M. Hutson, II Standing Trustee Post Office Box 3613 Durham, NC 27702

Bank of America, NA BAC Home Loans Servicing Attn: Managing Agent Bankruptcy Department Mail Stop: CA6-919-01-23 400 National Way Simi Valley, CA 93065